

**PRE-APPEAL BRIEF REQUEST FOR REVIEW**

Docket Number (Optional)  
022.0023Z1

In re Application of Kelvin Chong, et al.

Application Number  
10/054,623

Filed  
01/18/2002

For: SYSTEM AND METHOD FOR BUILDING MULTI-MODAL AND MULTI-CHANNEL APPLICATIONS

Group Art Unit	2191
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Examiner  
Qamrun Nahar

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

☐ applicant/inventor.

/Erin P. Madill/

Signature

assignee of record of the entire interest.  
See 37 CFR 3.71. Statement under 37 CFR 3.73(b)  
is enclosed. (Form PTO/SB/96)

Erin P. Madill

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Registration number if acting under 37 CFR 1.34(a).

January 17, 2007

Date \_\_\_\_\_

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below\*.

☒ \*Total of 1 forms are submitted.

This collection of information is required by 37 CFR 41.31. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: **Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

Appl. No. 10/054,623

Request for Pre-Appeal Review and Reply to Final Office Action of October 17, 2006

Docket. No.: 2102299-991110

UTILITY PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Appl. No.	:	10/054,623	Confirmation No. 5779
Applicant	:	Kelvin Chong, et al.	
Filed	:	January 18, 2002	
TC/A.U.	:	2191	
Examiner	:	Nahar, Qamrun	
Docket No.	:	2102299-991110	
Customer No.	:	29,906	

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**PRE-APPEAL BRIEF REQUEST FOR REVIEW**

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Final Office Action dated October 17, 2006, Applicants request review of the final rejection in the above-identified patent application.

Claims 1-4, 6-14, 16-22 and 25-26 (22 total claims; 4 independent claims) are pending in the application. The Final Official Action rejects claims 1-4, 6-12, 19-22 and 25-26 under 35 U.S.C. 103(a) as being unpatentable over Flores (U.S. 5,630,069) in view of Christfort (US 2002/0138617 A1), and rejects claims 13-14 and 16-18 under 35 U.S.C. 103(a) as being unpatentable over Flores (U.S. 5,630,069) in view of Christfort (US 2002/0138617 A1) and further in view of Ambler (U.S. 6,393,456).

Applicants respectfully submit the following remarks which point out clear errors in the current rejections for at least the following reasons.

**Independent Claim 1**

Applicants respectfully submit that the cited references fail to teach or suggest, for example, “a first module adapted to allow a developer to visually design workflow describing a multi-channel application capable of operating over a plurality of channels, the workflow comprising a plurality of layers, wherein each of said layers corresponds to at least one channel of said multi-channel application, wherein said workflow comprises a plurality of states and a plurality of transitions, wherein each layer includes states and transitions common to at least one channel of said multi-channel application,” as required by claim 1.

The Flores reference merely discloses the general concept of a “workflow” application. The Office concedes that the Flores reference “does not explicitly teach a multi-channel application capable of operating over a plurality of channels, comprising a plurality of layers, wherein each of said layers corresponds to at least one channel of said multi-channel application.” To meet these deficiencies of the Flores reference, the Office cites paragraphs [0066] and [0095] of the Christfort reference. Applicants submit that the cited portions of the Christfort reference merely discloses the concept of a single application and a middleware transformer 112 which filters the output from that application (i.e., selects particular output segments of that application) to produce a customized output which it sends to the end user, but does not suggest that a workflow describes a multi-channel application capable of operating over a plurality of channels. The “customized output” of the Christfort et al. reference refers to output of the application that varies.

Moreover, there is no indication in the Flores or the Christfort reference that the workflows “comprise layers corresponding to channels of the workflow enabled application,” or that “each layer includes states and transitions common to at least one channel of said multi-channel application,” as required by claim 1.

As such, claim 1 and its dependent claims 2-4 and 6, are patentable over the cited references.

**Independent Claim 7**

For at least the reasons stated above with respect to claim 1, Applicants submit that the cited references fails to teach an environment for “visually designing workflow describing a multi-channel application capable of operating over a plurality of channels, said environment being adapted to allow a developer to independently design said workflow in a plurality of layers, wherein each layer includes states and transitions common to at least one channel of said multi-channel application,” as recited in claim 7. Accordingly, for at least the foregoing reasons, Applicants submit that claim 7, and its dependent claims 8-12, are patentable over the cited references.

Dependent claim 9 requires that the “GUI is adapted to independently display a root layer including states common to each of said channels of said multi-channel application, and to allow a developer to visually design said root layer.” Dependent claim 10 requires that the “GUI is further adapted to independently display a voice layer including states common to a voice channel of said multi-channel application, and to allow a developer to visually design said voice layer.” Dependent claim 11 requires that the “GUI is further adapted to independently display a visual layer including states common to a visual channel of said multi-channel application, and to allow a developer to visually design said visual layer.” Dependent claim 12 requires that the “GUI is further adapted to display combinations of said root, voice and visual layers.” Applicants submit that the cited sections of the Flores and Christfort references fail to teach at least the above-underlined recitations of claims 9- 12. Accordingly, Applicants submit that dependent claims 9- 12 are also separately patentable.

#### **Independent claim 19**

For at least the reasons stated above with respect to claim 1, Applicants submit that the cited references fail to teach, for example, that the “designing an application workflow within said visual development environment in a plurality of layers, said application workflow comprising a plurality of states and a plurality of transitions, wherein said application workflow describes a multi-channel application capable of operating over a plurality of channels, wherein the application workflow comprises a plurality of layers, wherein each layer includes states and transitions common to at least one channel of said multi-channel application,” as required by claim 19.

Applicants further submit that the cited references fail to teach, for example, “converting said application workflow into an application descriptor for delivering the application over at least one of the plurality of channels,” as required by claim 19. Applicants submit there is absolutely no suggestion of this recitation in the cited references. Accordingly, for at least the foregoing reasons, Applicants submit that claim 19, and its dependent claims 20-23 and 25-26, are patentable over the cited references.

In addition, Applicants submit that many of the claims dependent on claim 19 are separately patentable. For example, dependent claim 25 requires “componentizing a plurality of said states and transitions into a reusable sub-model within said visual development environment.” Dependent claim 26 requires “packaging said application workflow into a reusable component within said visual development environment.” Applicants submit that the Flores reference fails to teach at least the above-underlined recitations of claims 25 and 26. Accordingly, for at least the foregoing reasons, Applicants submit that claims 25 and 26 are separately patentable over the cited references.

### **Independent Claim 13**

For at least the reasons discussed above with respect to claim 1, Applicants submit that the Flores and Christfort references fail to teach or suggest “a graphical user interface adapted to allow a user to visually build a single workflow describing a multi-channel application capable of operating over a plurality of channels, the workflow comprising a plurality of layers, wherein each of said layers corresponds to at least one channel of said multi-channel application, wherein said single workflow comprises a plurality of states and a plurality of transitions, wherein each layer includes states and transitions common to at least one channel of said multi-channel application,” as required by amended claim 13. Applicants submit that the Ambler reference fails to cure the deficiencies of the Flores and Christfort references. For at least the foregoing reason, Applicants submit that the cited references fail to teach or suggest these recitations of claim 13. Accordingly, for at least the foregoing reasons, Applicants submit that claim 13, and its dependent claims 14 and 16-18, are patentable over the cited references.

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Request for Pre-Appeal Review and Reply to Final Office Action of October 17, 2006

Docket. No.: 2102299-991110

Applicants respectfully submit that the application is now in condition for allowance, and such allowance is therefore earnestly requested. The Office Action Made Final was mailed October 17, 2006 and set a shortened statutory period of three (3) months for response. This Pre-Appeal Brief Request for Review and the accompanying Notice of Appeal pursuant to 37 C.F.R. §41.31(a) are submitted on January 10, 2006 (i.e., within the third month). If for some reason Applicants have not requested a sufficient extension and/or have not paid a sufficient fee for this response and/or for the extension necessary to prevent abandonment on this application, please consider this as a request for an extension for the required time period and/or authorization to charge Deposit Account No. 50-2091 for any additional fee which may be due.

Respectfully submitted,

INGRASSIA FISHER & LORENZ

Dated: January 17, 2007

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